

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 15, 1999

DIVISION THREE

B115537 People (Not for Publication)
B115539 v.
Michael Mitchell & Lamonti Mitchell

As to both defendants, the judgments are affirmed in part, reversed in part, and remanded to the trial court for further proceedings consistent with the views expressed in this opinion.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B107489 Rancho San Marcos Partners (Not for Publication)
v.
Katersky

The judgment is affirmed. Each side to bear their own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B124770 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Suetoyrue P.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FIVE

B122025 People (Not for Publication)
 v.
 Harrison Clark Pearl

The clerk of the superior court is directed to modify the abstract of judgment to reflect an \$800 restitution fine under Penal Code section 1202.4, and an \$800 parole revocation fine under section 1202.45, which shall be suspended unless appellant's eventual parole is revoked. As modified, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B125771 Marlene S. et al. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles Department of Children and Family Services, r.p.i.)

The petitions are denied on the merits.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B123928 People (Not for Publication)
v.
Marcus L. Draper

The judgment is modified to state that appellant is awarded presentence custody credits of 411 actual days and 204 conduct credit days, for a total of 615 days. In all other respects, the judgment as modified is affirmed for the reasons set forth above. The clerk of the Superior Court is directed to prepare an amended abstract of judgment consistent with this opinion, then deliver a copy of the corrected abstract of judgment to the Department of Corrections.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B115784 Donald F. Hogans (Not for Publication)
v.
United Franchise Owners

The orders sustaining defendants' demurrer to plaintiff's cause of action for tortious interference with economic relationship, granting a nonsuit as to plaintiff's conversion cause of action, and dismissing this action, are affirmed. Defendants, United Franchise Owners, AFC Enterprises, Inc., and Rod Jarboe, are to recover their costs on appeal from plaintiff, Donald F. Hogans.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

March 15, 1999-Continued

DIVISION FIVE (Continued)

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The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B122079 People (Not for Publication)
v.
Hightower

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B119526 Neely (Not for Publication)
v.
Williams-Sonoma, Inc.

The judgment is affirmed. Each party to bear its own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

March 15, 1999-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B119991 Rosenberg (Not for Publication)
v.
Allstate Indemnity Company, et al.

The order awarding sanctions is reversed. Appellants are awarded their costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B127524 In the Matter of Elexus S., a Minor (Not for Publication)
v.
Superior Court, Los Angeles County
DCFS

The petitions are denied.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B124561 Tammy M. and Shawn W. (Not for Publication)
 v.
 Los Angeles County, DCFS

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B121375 People (Not for Publication)
 v.
 Fernando Quintanilla

Appellant's conviction for misdemeanor driving under the influence in violation of Vehicle code section 23152 is reversed. The judgment is modified to show that appellant's \$390 Vehicle Code fine is imposed pursuant to section 23180, not 23175. The judgment is further modified to reflect a penalty assessment of \$390 pursuant to Penal Code section 1464 and a penalty assessment of \$273 pursuant to Government Code section 76000. The judgment of conviction is affirmed in all other respects. The clerk of the superior court is ordered to prepare an amended abstract of judgment consistent with this opinion and then to deliver the amended abstract to the Department of Corrections.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B120565 People (Not for Publication)
v.
Jose G. Gonzalez

The judgment is modified to impose a parole revocation fine of \$10,000 pursuant to section 1202.45. The clerk of the superior court is directed to prepare an amended abstract of judgment showing the \$10,000 restitution fine imposed by the trial court pursuant to section 1202.4 and the additional \$10,000 parole revocation fine pursuant to corrected abstract of judgment to the Department of Corrections. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B121846 People (Not for Publication)
v.
Rodrick Johnson

The conviction of recklessly causing fire to an inhabited structure (Pen. Code, section 452, subd. (b)) is reversed. Defendant is awarded presentence custody credit of 745 days (497 actual, 248 conduct.) A \$10,000 parole revocation restitution fine is imposed and suspended pursuant to Penal Code section 1202.45. The clerk of the superior court is directed to modify the abstract of judgment to reflect these changes in the judgment and to forward a modified abstract of judgment to the Department of Corrections. As modified, the judgment is otherwise affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION SIX

B123290 Santa Barbara Bank & Trust, etc. (Not for Publication)
 v.
 Treen, et al.

We affirm the judgment as to Treen and award bank costs on appeal. The appeal of Sea-Tech Diving & Construction Inc. is dismissed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B122695 Chevron U.S.A., Inc. (Not for Publication)
 v.
 Girard

The judgment is affirmed. Costs to Girard.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B111106 People (Not for Publication)
 v.
 Amos

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

March 15, 1999-Continued

DIVISION SIX (Continued)

B125708 Fehnel (Not for Publication)
v.
Fehnel

The judgment is affirmed. Each party shall bear his or her own costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B118848 King (Not for Publication)
v.
King

The judgment of dismissal is affirmed without prejudice to appellants' or respondents' right to file an action for a partition sale and an accounting to determine the respective interests of the parties. Appellant's request for sanctions on the cross-appeal is denied. The judgment is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

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The judgment is affirmed. Respondent to recover his costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

March 15, 1999-Continued

DIVISION SEVEN (Continued)

B116126 Bostanian (Not for Publication)
v.
Calif. Federal Savings & Loan Association

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B120106 People (Not for Publication)
v.
Barajas

The judgment is modified to stay punishment of the one-year enhancement imposed pursuant to section 12022, subdivision (a)(1) on count III. The judgment is affirmed in every other respect.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

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The judgment under review is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

March 15, 1999-Continued

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

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The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B117553 People (Not for Publication)
v.
Aguilera & Fortino

The judgments are affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B123451 Schefffield Medical Group, Inc., et al. (Certified for Publication)

v.

Workers Compensation Appeals Board

Calif. Indemnity Ins. Company, et al., Respondent

The order of the Workers' Compensation Appeals Board is affirmed. Each side is to bear its own costs.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.